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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/583,863

06/01/2000

Guy Nathan

871-80

4666

23117

7590

10/19/2006

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EXAMINER

TRAN, HAI V

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/583,863

Applicant(s)

NATHAN ET AL.

Examiner

Hai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 07/26/2006. The submission, however, is improper because the prosecution of the instant application was pending and not closed (e.g., the last Office action dated 01/30/2006 is a Non-Final rejection) when the RCE was filed; see MPEP 37 CFR 1.114 and 706.07(h) [R3] Request for continued examination, section III (A) (1).

Response to Arguments

Applicant's arguments filed 07/26/2006 have been fully considered but they are not persuasive.

Applicant argues (page 6, lines 5-14), "...There is absolutely nothing in Nathan to teach or suggest checking space availability before writing data from the temporary buffers of the communication device to the mass storage device. And even if there were, the invention defined by the claims would not be anticipated by such teaching because it requires receiving data to permanent storage areas having available memories of specified minimum sizes."

In response, the Examiner respectfully disagrees with Applicant because

Nathan clearly discloses the manager checks the space availability of the mass storage before writing the receiving data from the temporary buffer to the mass storage

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by signaling the unavailability of the storage of space, in this instant the “specified minimum size” is broadly read on the size of the video file in which the system storage is at a bare minimum space for writing the video file to the storage. The Examiner cites, page 18, lines 4-7, “En entrée la tâche video (76) a pour objet de transférer les données reçues dans le tampon de telecommunication 946) vers la mémoire masse (21)....”, page 19, lines 30-35, “... le test (761) permet de voir si des données sont présentes dans les tampons mémoire hardware ou software du dispositif video. Si un ou plusieurs de ces tampons **sont remplies de données** le superviseur (12) positionne le ou les tampons de status respectifs (821) pour le disque dur, ...”, page 25, lines 35- page 26, lines 17, “Si l’enregistrement d’une ou plusieurs chansons ou vidéo ...n’a pu être fait faute de place suffisante sur le disque ou le moyen de stockage...signale par un affichage ou un message sonore le numéro du paquet s’il s’agit d’une ...vidéo qui n’ont pu être enregistrés faute de place ou les moyens de stockage...” In doing so, the system inherently checks space availability of the disk (mass storage device) and reserves a predetermined memory space, at least the size of the video file that fills up the buffers (Si un ou plusieurs de ces tampons **sont remplies de données...**), before writing data from the temporary buffers of the communication device to the mass storage device (... le superviseur (12) positionne le ou les tampons de status respectifs (821) pour le disque dur).

Applicant further argues (page 7, lines 8-), “Thus, unlike Nathan, the claimed invention downloads data to a “permanent storage area having an available memory of

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a specified minimum size.” Thus, unlike Nathan, the data is not stored in a temporary storage buffer of the telecommunication device, but in any area of the permanent storage device, provided that the area has a specified minimum size. The file received later may be copied to a specified memory area, and the file received may be kept in its initial location until the database update steps are performed (page 8, lines 29-32)…”

In response, the Examiner respectfully disagrees with Applicant because Nathan clearly suggests that (page 26, lines 12-17), “Ainsi lorsqu’il est question de tampons, il est rappelé le que ceux-ci peuvent être présents soit physiquement sur le circuit auquel ils sont affectés soit réalise par logiciel en réservant des emplacements de mémorisation dans le mémoire du système.” the buffering could also be done by reserving space/location/size of the memory within the memory of the system or in another word, the “tampons” or buffers could be reserved using any types of memories of the system, i.e., RAM/ROM/HDD… As such, Nathan clearly anticipates the claim language.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Guy

Nathan et al. (WO 96/12257).

Claim 1, Guy Nathan discloses a method for receiving files sent by a central server to an audiovisual data reproduction system (jukebox 1) managed by an OS and linked to the server (41), using a data transfer link (Communication link between jukebox and server through the “adaptateur de modem de telecommunications”; page 10, lines 3-6), the process (Abstract) comprising:

initializing a link between the central server and an audiovisual data reproduction system (page 13, lines 12-26 and page 16, lines 1-15);

opening a reception file on a storage area of the audiovisual data reproduction system, the storage area being a permanent storage area having an available memory of a specified minimum size for storing a file to be sent by the central server (...si l'enregistrement d'une ou plusieurs chansons ou video ou encore d'une parties de chanson ou video n'a pu etre fait faute de place suffisante sur le disque ou les moyens de stockage..., see page 25, lines 35-page 26, lines 8. Specifically, page 26, lines 12-17, “Ainsi lorsqu'il est question de tampons, il est rappelé le que ceux-ci peuvent être présents soit physiquement sur le circuit auquel ils sont affectes soit réalise par logiciel en réservant des emplacements de mémorisation dans le mémoire du système.” the buffering could also be done by reserving space/location/size of the memory within the memory of the system or in another word , the “tampons” or buffers could be reserved using any types of memories , i.e., RAM/ROM/HDD...)

receiving each packet of the file sent by the central server and storing the packet sent by the central server 41 on the storage area 21 of the audiovisual data

reproduction system (jukebox; page 12, lines 18-20; page 18, lines 5-10), each file having information representative of a type of data associated with the file (each audiovisual file comprising specified information (record's field) representative of the type of data contained in the file (see Fig. 6, el. 1613 permet de connaitre la categories a savoir jazz, classique, variete, etc...page 21, lines 14-15 and see page 21, lines 4-page 22, lines 17); a specific reception function being associated to each received file (page 18, lines 15-20; "...dans l'ordre de priorite un premier test (761) pour determiner si la tache video est active....pour determiner si la tache son est active... determine si la tache communication est active..."),

"for each file received, searching, for a reception function to be associated with each received file based at least in part on the information representative of the type of data associated with the file", reads on page 18, lines 13-15 and Nathan's Database management system (a specific reception function) because DBMS is a software interface between the database and the user in which the DBMS handles performs database actions, i.e., search, update, retrieve,... of the database 's records (audiovisual files) of the database stored on the storage by the record 's fields (specified information) representative of the type of data (i.e., song or video) contained in the record (...effectuer les mises a jour des base de donnees ou de version de chanson souhaitees; page 25, lines 18-20).

"processing each file by the corresponding reception function, the processing comprising copying the file received in the storage area to update a database of the audiovisual reproduction system according to the data included in the received file"

reads on Nathan' s Database management system inherently comprises the process of writing/copying of the file received to a specified storage area 21, as discussed above ("mises a jour des base de données" page 22, lines 18-27 ; page 24, lines 8-24 and pages 25, lines 18-22);

Claim 4, Guy Nathan further discloses wherein the search step is activated when the last data packet of the file (...ou enfin l'indication qu'il sagit d'un dernier bloc de transmission; page 23, lines 18-20). Note, "last data packet of the file" reads on the system checks the status of the last received packets of the file, i.e., "pas de detection derrieres; page 24, lines 8- page 25, lines 13); Accordingly, the system depends on this 3rd field (un troisieme champ 812) for determining the downloading process is complete or not so that the system is able to proceed to the next step, i.e., write the downloaded file to the database/disk drive or requests the server for retransmission (...Ceci permet au central de les reemettre; page 25, lines 28-34).

Claim 5, Guy Nathan further discloses wherein the information representative of the type of data comprises the file extension or the name of the file received (Fig. 6; page 21, lines 4-17);

Claim 6, Guy Nathan further discloses wherein when the information representative of the type of data represent a song file, the database update step comprises at least one of the following steps: checking the compatibility of the song

file with a version of an operating system of the audiovisual data reproduction system (page 23, lines 8-13; page 24, lines 9-page 25, lines 22); updating a file stored on the audiovisual data reproduction system that identifies all songs stored on the audiovisual data reproduction system; updating a statistic table in the data base making it possible to determine the selection frequency of the song corresponding to the file stored in memory (page 23, lines 12); updating a purchase table containing the number and name of all the songs purchased for the reproduction system (page 7, lines 7-10; page 22, lines 18-27); "updating a counter of songs that can be selected to check that the number of songs that can be selected is not greater than a specified threshold" reads on Nathan's system provides a message to the operator indicating the number of songs could not be downloaded/recorded to the system due to the size/capacity of the storage is not enough and permits the operator to decide to remove of certain song from the selected list or storage so the downloading/recording process (...le system...signale par un affichage...les numeros de chanson ou video qui n'ont pu etre enregistres faute de place. Ceci permet au gérant après avoir décide l'effacement de certaines chansons ou vidéo du disque dur de redemander au central l'envoi de ces chanson ou vidéo ou de la partie non reçue ; page 26, lines 5-8).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

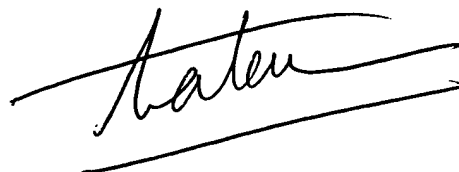
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
10/13/2006

A handwritten signature in black ink, appearing to read 'HAITRAN', is written over two horizontal lines.

**HAITRAN
PRIMARY EXAMINER**